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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

MARGARITA HUERTA,

Plaintiff,

v.

BODEGA LATINA CORPORATION d/b/a/  
EL SUPER; DOES I-X, and ROE ENTITIES  
I-X, inclusive,

Defendants.

Case No. 2:17-cv-001915-APG-CWH

**ORDER DENYING MOTION TO  
REMAND**

(ECF No. 9)

Plaintiff Margarita Huerta moves to remand this case to state court, arguing that defendant Bodega Latina removed the case more than 30 days after it became removable. ECF No. 9. Huerta contends that Bodega Latina should have known from Huerta's Initial Disclosures that her ankle injury and resulting medical procedures arose from the subject incident. While the Initial Disclosures evidence the injury and treatment, they do not mention her first surgery, her proposed second surgery, or the costs associated with those. Her Initial Disclosures showed only \$21,667.09 in medical bills; that is not enough to invoke this court's diversity jurisdiction. It was only after Huerta disclosed the surgeries in her discovery responses that Bodega Latina became aware that the damages were higher than the amount shown in the Initial Disclosures. It was then that the case became removable. Thus, removal was timely. Accordingly, Plaintiff's Motion to Remand (ECF No. 9) is DENIED.

DATED this 5<sup>th</sup> day of September, 2017.



ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE